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REPORT
OF THE
COMMISSION ON THE REVISION
OF THE
STATE MOTOR VEHICLE LAWS
To the Governor and the
Legislative Council
of Maryland

1942

The following constitute the members of the Commission: Robert France, Chief Judge of the Traffic Court, Chairman; Professor J. Trueman Thompson of the Johns Hopkins University, Vice-Chairman, who was selected by the United States Government as the Director of the Highway Traffic Advisory Committee to the War Department, and who was replaced by D. Marshall Schroeder, Deputy Commissioner of Motor Vehicles; Honorable Earl Bennett of Dorchester County, a member of the State Senate; Honorable John S. White of Prince George's County, a member of the House of Delegates, and also of the Legislative Council of Maryland; George E. Keneipp, manager of the Keystone Automobile Club; Palmer R. Nickerson, Counsel of the Automobile Club of Maryland, an affiliate of the American Automobile Association; and Folsom B. Taylor of Allegany County, Maryland. Edgar R. McShane, Executive Secretary and Director of the Maryland Traffic Safety Commission, was appointed Traffic Safety Consultant and Dr. Justinus Gould, Attorney at Law and Police Magistrate, was named as the Research Consultant and Secretary. This Commission has met regularly since it was appointed and had devoted itself earnestly and sincerely in its study to improve and modernize the present law.

THE NEED FOR REVISION

The existing Motor Vehicle Law is, to a large extent, obsolete. It had its birth with the automobile and has grown by amendments, but has never been remodeled. Motor vehicle legislation is still a part of Article 56 of the Code of Public General Laws entitled "Licenses." It is only natural that such a growth has resulted in a conglomerated mass of statutes that have little resemblance to a model law, retaining very many outmoded provision and which omit many desirable features that have proven highly advantageous in other jurisdictions.

Motor vehicle transportation, both private and commercial, is an established part of the American Way of Life and has been a vital factor of tremendous importance in developing this Country. The ease with which automobiles travel from State to State and from the United States into the Dominion of Canada or Mexico, makes it imperative to have laws which will promote the safety and well-being of the people. The need for uniformity in legislation of this type is obvious.

PLAN THAT THE COMMISSION FOLLOWED

The one aim of the Commission has been to prepare a truly modern and adequate code of motor vehicle laws that will systematize and improve the law for the purpose of affording the people of the State of Maryland the best possible legislation on this very important subject.

In order that the public may be better guarded against losses as a result of reckless operation by financially irresponsible minors, certain obligations are placed upon parents or employers who desire persons between sixteen and eighteen years of age to operate motor vehicles.

Section 85 requires such minors to have their application for an operator's license signed and verified by parents, guardians, or employers. The acts of such minors while driving vehicles are imputed to the persons signing the application. However, such persons are not responsible for the minors' acts if they deposit proof of financial responsibility.

At present, horse-drawn vehicles are not subject to the traffic laws and rules of the road. With the growth of this type of transportation due to war conditions, a change in this respect at this time is imperative. Accordingly, Section 134 provides that animal-drawn vehicles and bicycles shall be subject to the provision of the Bill in regard to the rules of the road and traffic laws, generally.

In the interest of safety, the proposed Bill, under Sections 137 to 139, endeavors to provide for more uniformity in traffic signs and traffic control devices.

The Bill, in an endeavor to enlarge the protective features of the School Bus Law, has revised the definition of school buses, in Section 198, to include vehicles "transporting children, students or teachers to and from school or to and from any school activity." This is a far more comprehensive definition than the one contained in the present law, because it covers not only children, but also students and teachers as well. It also is not limited in merely transporting them to and from elementary or high schools, but it embraces transportation to and from any school activity. The reason for these proposed changes is to cover contingencies such as those which happened in the unfortunate Rockville incident.

It likewise requires that school buses shall carry certain safety equipment. Under Section 204, school buses must not only carry approved fire extinguishers but also first-aid kits which have been approved by the Department of Motor Vehicles. The latter provision is new and is designed for the further protection and safety of those riding in school buses.

The present law provides that persons arrested for violations shall be given a hearing before the nearest magistrate. Very often such nearest magistrate is not available, with the result that many motorists are obliged to remain in jail for an undue length of time. - The proposed Bill, Section 260, provides not only for an immediate hearing, but also requires

In addition, the present scheme causes about 400,000 owners each year to compute their fees and the Commissioner's staff to check them, resulting in the return of many applications. There were 425,015 passenger cars registered in Maryland in 1941, yielding a gross revenue of \$3,556,205, or an average of \$8.37 per car. The maximum and minimum full year fees paid on standard cars were \$12.80 and \$7.04 respectively.

The Commission recommends favorable consideration for charging a flat fee. Assuming that the passenger car yield is not to be changed essentially, it would require a fee of approximately \$10 per annum in order to offset the part-year registrations reflected in the average of \$8.37. The fee necessary to do this can be ascertained with reasonable accuracy from a breakdown of the registration figures. It should be noted in this connection, that although the small car owner appears to be called for a little more, and the large car owner for a little less in registration fee, the reverse is true (for equal annual mileages) when gas tax is considered. This is, of course, due to the higher gas consumption of the larger car. It is generally understood that postwar motor vehicles will be so designed and powered that to use the present horsepower basis for the registration of motor vehicles will substantially reduce the State's revenue from this source.

The Commission believes that the procedure could be further simplified by the elimination of the complexities and inconveniences surrounding the payment of the personal property tax, on which the right to register the vehicle demands, and is positive that this would be welcomed by all motorists. The Maryland Tax Revision Commission, in its report to the 1941 Legislature, suggested the elimination of the motor vehicle personal property tax, and stated:

"The Commission believes that the present system of subjecting motor vehicles to the property tax at the combined State and local rate is unsound. For one thing, it involves the expense of local assessment and administration; for another, it discriminates against motorists residing in localities such as Baltimore City which have relatively high tax rates. While it may be argued that ownership of any automobile is some measure of ability to pay, it seems clear that motor vehicle taxes should be related to use of the roads. Under modern conditions, motor vehicles owned in any locality traverse the roads of the entire State. It follows that there is no sound justification for the great variation in rate applicable to movable property of this character."